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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TOBY MASSE,

9 Plaintiffs,

10 v.

11 PAT GLEBE, *et al.*,

12 Defendants.

13 Case No. C10-5165RBL

14 ORDER ADOPTING A REPORT AND
15 RECOMMENDATION

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
17 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining
18 record, does hereby find and ORDER:

- 19 1. The Court adopts the Report and Recommendation;
20 2. This action is dismissed WITHOUT PREJUDICE as plaintiffs cannot
21 challenge the fact or duration of his prison term in a Civil Rights Action.
22 3. The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.
23 Richard Creatura.

24 DATED this 18th day of June, 2010.

25 
26 RONALD B. LEIGHTON

27 UNITED STATES DISTRICT JUDGE

28 ORDER - 1